

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

KATHY MORRIS, )  
Plaintiff, )  
v. ) No.: 3:08-CV-77  
MICHAEL J. ASTRUE, ) (VARLAN/GUYTON)  
Commissioner of Social Security, )  
Defendant. )

## **ORDER**

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge H. Bruce Guyton on December 9, 2008 [Doc. 13]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Guyton found, *inter alia*, that the Administrative Law Judge properly reviewed and weighed the evidence to determine plaintiff is not disabled because she does not meet the criteria for a listed impairment and, given her residual function capacity, there is work that exists in significant numbers in the national economy that the plaintiff is able to perform. Accordingly, Magistrate Judge Guyton recommended that plaintiff's motion for summary judgment [Doc. 7] be denied and that defendant Commissioner's motion for summary judgment [Doc. 11] be granted.

The Court has carefully reviewed this matter, including the underlying pleadings [Docs. 7, 8, 11, 12]. The Court is in agreement with Magistrate Judge Guyton's recommendation, which the Court adopts and incorporates into its ruling. Plaintiff's motion for summary judgment [Doc. 7] is **DENIED** and defendant's motion for summary judgment [Doc. 11] is **GRANTED**. The Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 13]; defendant Commissioner's decision in this case denying plaintiff's applications for disability insurance benefits and supplemental security income benefits is **AFFIRMED**; and this case is **DISMISSED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE